

Docket No. 0879-0253P
Appl. No.: 09/496,588
Reply dated November 8, 2004
Reply to Office Action of August 6, 2004
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REMARKS

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1-16 are currently pending in the instant application. Claims 1, 3, 7, 9, 11 and 15 are independent. No claims have been amended by way of this response. Reconsideration of the present application is earnestly solicited.

Allowable Subject Matter

Applicants appreciate the Examiner's indication of allowable subject matter. Specifically, the subject matter of claims 3-8 and 11-16 has been indicated as allowed.

However, as discussed in greater detail hereinafter, Applicants submit that the remaining claims of the present application should also be allowed and the present application should be permitted to issue.

Drawings

Applicants appreciate the Examiner's indication of acceptance of the formal drawings filed on February 2, 2000. Accordingly, Applicants are not required to take any further action with respect to the drawings.

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Information Disclosure Statement

Applicants appreciate receipt of the initialed copy of the Information Disclosure Statement (IDS) filed on April 24, 2000.

Claim Rejections Under 35 U.S.C. § 102

Claims 1 and 9 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Miyano (U.S. Patent No. 6,727,942). This rejection is respectfully traversed.

Without conceding the propriety of the Examiner's rejections, but merely to expedite the prosecution of the present application, Applicants have perfected their claim for priority to Japanese Patent Document No. 11-025523 (filed on February 2, 1999). Accordingly, Applicants submit that this rejection has been rendered moot.

Specifically, the Miyano reference has a U.S. filing date of September 7, 1999 and an issue date of April 27, 2004. The present application was filed on February 2, 2000 and properly claims priority to Japanese Patent Application No. 11-025523 (filed in Japan on February 2, 1999) under 35 U.S.C. § 119. A verified English translation of this priority document is provided as an attachment to this response. Therefore, Applicants submit that all of the claim

rejections based upon the Miyano reference have been overcome. Accordingly, this rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 2 and 10 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Miyano in view of Tsujimoto (U.S. Patent No. 6,201,932). This rejection is respectfully traversed.

As discussed in greater detail hereinabove, Applicants submit that the Miyano reference has been overcome by Applicants perfection of their claim for priority. Accordingly, all of the rejections based upon the Miyano reference should be withdrawn and the present application should be permitted to issue.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

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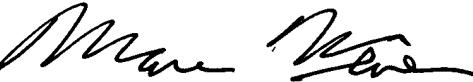
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 
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Attachment: English translation of priority document and Declaration Accompanying the same